

DAYLE ELIESON
United States Attorney
District of Nevada

MARK E. WOOLF
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Telephone: 702-388-6336
Email: mark.woolf@usdoj.gov

Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
Plaintiff,) Case No. 2:16-cr-00155-JCM-CWH
v.)
JOEL KENNETH AUSBIE,)
Defendant.)
)
)
)
)
)
**STIPULATION FOR TURNOVER
OF SEIZED FUNDS TO
CLERK OF COURT**
)

The United States of America (“Government”) and Defendant Joel Kenneth Ausbie (“Ausbie”), by and through their counsel of record, hereby stipulate as follows:

IT IS HEREBY STIPULATED AND AGREED that the \$19,594 seized from Ausbie at or near the time of his arrest, which funds are currently in the possession of the FBI, shall be turned over by the FBI to the Clerk of Court for application toward Ausbie's restitution order.

IT IS FURTHER STIPULATED AND AGREED that the funds shall be held by the Clerk of Court and shall not be disbursed until further order of this Court and/or the Ninth Circuit Court of Appeals and/or stipulation of the parties.

IT IS FURTHER STIPULATED AND AGREED that upon approval of this stipulation by the Court, the Government's Motion for Turnover and Application of Seized Funds to Restitution, ECF No. 174, may be deemed withdrawn.

IT IS FURTHER STIPULATED AND AGREED that the restitution order against Ausbie is a final order notwithstanding the fact that the judgment is currently on appeal. *See* Ninth Circuit Case No. 18-10053; *see also* 18 U.S.C. § 3664(o). This stipulation does not

1 operate as a stay of the judgment nor does it preclude the United States from pursuing all
2 available remedies to collect on the judgment. It is agreed, however, that any additional funds
3 paid by Ausbie or collected by the United States shall be held by the Clerk of Court until the
4 appeal is resolved and/or further order of this Court. The reason for this stipulation is the
5 parties' recognition that the pending appeal could impact the amount and/or validity of
6 restitution ordered. *See* 18 U.S.C § 3664(o)(1)(B). The parties further acknowledge that the
7 restitution order was made payable jointly and severally between Ausbie and his co-defendants,
8 meaning that any amount received from other co-defendants shall inure as a credit to the
9 restitution amount owed by Ausbie.

10 **IT IS FURTHER STIPULATED AND AGREED** that by entering into this stipulation
11 Ausbie is not conceding any issues of fact or law, or making any factual admissions regarding
12 the prosecution in this matter.

13 Respectfully submitted this 19th day of July 2018.

14 DAYLE ELIESON
15 United States Attorney

16 /s/ Mark E. Woolf
17 MARK E. WOOLF
Assistant United States Attorney
18 *Attorneys for the United States*

CHESNOFF & SCHONFELD

/s/ Robert Z. Demarco
ROBERT Z. DEMARCO, ESQ.
DAVID Z. CHESNOFF, ESQ.
RICHARD A. SCHONFELD, ESQ.
520 South Fourth Street
Las Vegas, Nevada 89101

20 *Attorneys for Defendant Ausbie*

21
22 **IT IS SO ORDERED:**

23
24 
25 JAMES C. MAHAN
26 UNITED STATES DISTRICT JUDGE

27 DATED: _____
28 July 23, 2018